

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
2004 AUG 2 10 31 AM  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

GARBER BROS., INC.,

Plaintiff,

v.

JH TRADEMARK COMPANY, LLC,

Defendant.

CIVIL ACTION  
NO. 04-11459-RCL

**PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

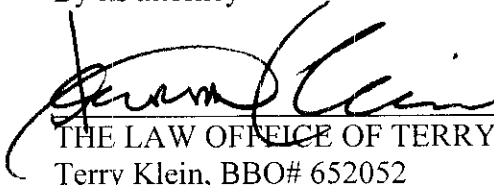
Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, plaintiff, Garber Bros., Inc. ("GBI") hereby moves that the Court preliminarily enjoin the defendant, JH Trademark Co., LLC ("JHT") from the further use of GBI's confidential customer information, including contact with GBI customers, and that JHT be ordered to return all GBI confidential customer information currently in its possession. As grounds for this motion, GBI relies upon the Memorandum in Support of Plaintiff's Motion for a Preliminary Injunction and affidavit of Michael D'Ortenzio, which are each filed herewith.

WHEREFORE, GBI respectfully requests that the Court preliminarily enjoin the defendant, JH Trademark Co., LLC ("JHT") from the further use of GBI's confidential customer information, including contacting GBI customers, and that JHT be ordered to return all GBI confidential customer information currently in its possession.

Respectfully Submitted,

GARBER BROS., INC.

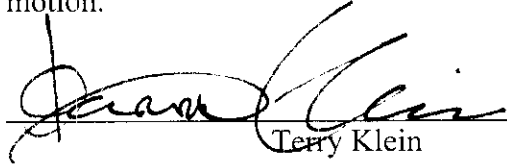
By its attorney

  
THE LAW OFFICE OF TERRY KLEIN  
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Dated: July 29, 2004

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify I have conferred with opposing counsel and have attempted in good faith to resolve or narrow the issues raised by this motion.

  
Terry Klein

CERTIFICATE OF SERVICE

I, Terry Klein, hereby certify that I served a copy of this document upon JH Trademark Company via Federal Express on July 29, 2004.

  
Terry Klein